

**From:** [Eberhardt, Maja](#)  
**To:** [ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)  
**Subject:** RE: Shoshone-Bannock Tribes WQS  
**Date:** Monday, November 04, 2019 4:34:00 PM  
**Attachments:** [CDAT WQS 2010 Non-Substantive Changes final.doc](#)

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Hi Candon,

Thanks for calling a little while ago, it was good to touch base. I've left a message with Justine Barton in our sediments group to get an answer to your question regarding mixing zones and compliance points.

I'm looking at your DO criteria for lakes and reservoirs. HQ commented that the language looks similar to Idaho's, but noted that the lower depths of the waters aren't protected by DO criteria and recommended that DO criteria be applied for all depths. I recognize the challenges in developing criteria for water bodies that undergo seasonal stratification, and wanted to send over the Coeur d'Alene language for your review in advance of the comments. This is for Coeur d'Alene Lake:

(ii) Dissolved Oxygen. Dissolved oxygen (DO) shall exceed 8.0 mg/L at all times. From June 1 to September 30 DO criteria shall be determined by natural conditions at the time of stratification. In the event natural conditions are less than 8mg/L at the time of stratification the natural condition found at that time (for that time period only) will become the standard, pursuant to Section 4.

(A) Natural Conditions for DO and Temperature. When TAS waters stratify (usually in June) the average whole water column DO content and temperature at the time of stratification shall be considered the natural condition (for DO and temperature only), pursuant to Section 4.

(B) In TAS waters greater than 15 meters this standard applies to the bottom (deepest) 80 percent of the water column present below the metalimnion. In TAS waters less than 15 meters and greater than 8 meters this standard applies to only the bottom 50 percent of the water column present below the metalimnion. TAS waters exhibiting total water column depths less than 8 meters are not expected to maintain a stable stratified condition and are therefore exempt from this standard. *[Note: I assume this means that the default of 8 mg/L will apply in waters less than 8 meters deep.]*

(iii) Temperature. From June 1, through September 30, the 7-day average of the daily maximum temperatures within the hypolimnion is not to exceed 16° C.

In thermally stratified TAS waters the hypolimnetic temperature shall be determined by natural conditions as defined in Section 19 (4), (a), (ii), (A) and pursuant to Section 4 of these standards. In TAS waters greater than 15 meters this standard applies to the bottom 80 percent of the lake water column present below the metalimnion. In TAS waters less than 15 meters and greater than 8 meters this standard applies to only the bottom 50 percent of the water column present below the metalimnion. TAS waters exhibiting total water column depths less than 8 meters are not expected to maintain a stable stratified condition and are therefore exempt from this standard.

The Word version of the CdA WQS is attached, in case that's useful. I will leave a general comment in the WQS, which we can discuss further.

Thanks.

Maja

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**From:** Eberhardt, Maja

**Sent:** Monday, November 04, 2019 12:16 PM  
**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS  
Sounds good, thanks Candon. Talk to you this afternoon.

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**From:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Sent:** Monday, November 04, 2019 12:06 PM

**To:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>

**Subject:** RE: Shoshone-Bannock Tribes WQS

Hello Maja,

Sorry, I was out of the office on Friday. Yes I have reviewed the mixing zone language, thank you for sending that. We have not made a final decision on the inclusion of a mixing zone yet. I plan to give you a call later today to discuss the mixing zone policy.

Thanks,

Candon Tanaka

Water Quality Specialist

Shoshone-Bannock Tribes

Phone: (208) 239-4582

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**From:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>

**Sent:** Friday, November 01, 2019 12:38 PM

**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Subject:** RE: Shoshone-Bannock Tribes WQS

Hi Candon,

Just called and tried to leave you a message, but there were some technical difficulties, so here's an email. I wanted to check in to see whether you have had a chance to look at the mixing zone language and had any thoughts about the language and about whether to include mixing zone language in general. I also wanted to let you know that I'm still going through the comments from headquarters and adding suggested redlined text that addresses their comments as we had discussed, with the intention to reduce further back and forth for us, and to make clear what changes would address the comments. I had intended to send you the comments today, but I'm going to need a little more time to finish that, hopefully just a few more days.

Thanks, please give me a call or email to discuss the comments or the mixing zone language further if you would like.

Maja

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**From:** Eberhardt, Maja

**Sent:** Monday, October 28, 2019 12:23 PM

**To:** 'Candon Tanaka' <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Subject:** RE: Shoshone-Bannock Tribes WQS

Hi again Candon,

Change of approach - I've put together some possible mixing zone language, based on the "Tools for Tribes" WQS template with a few modifications and incorporating a statement re listed species from the Swinomish WQS, attached. The redline shows changes I made from the "Tools for Tribes" WQS template. Please let me know your thoughts, and I'll send it over to HQ for a quick look if you think it useful to move forward. Edits are welcome, too.

Thanks.  
Maja

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**From:** Eberhardt, Maja  
**Sent:** Monday, October 28, 2019 10:20 AM  
**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS

Thanks Candon, that helps to understand the background. We've had some changes since Sally was working, particularly a change in focus from temporary exceedances to compliance schedules, which are more consistent with the CWA and 40 CFR. But then we have a disconnect if compliance schedules are allowed, but mixing zones aren't, since compliance schedules are also part of an NPDES permit. Not sure whether you deal with 404 permits, but a mixing zone provision could be useful for those, as well, relative to suspended sediments. Let me propose some language (I'll probably just copy it from the Swinomish WQS), and you can see what you think and we can discuss the path forward after you have a chance to review the text. Does that sound ok? If it doesn't work for you and you simply prefer not to allow mixing zones, that works, too. The mixing zone requirements are pretty specific and detailed, you can see what you think. I realize it may be moot at this point, but if you do end up with a permit, it might be easier to have the legal framework in place, rather than starting a rulemaking (though it would be easier than this first time around with a full package). Please let me know what you think, or we can chat if you prefer.

Thanks.  
Maja

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**From:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Sent:** Monday, October 28, 2019 8:21 AM  
**To:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS

Hello Maja,

When Sally Brough was working with us on the standards we decided to drop the mixing zone policy. We were going back and forth on the language and she recommended we drop the mixing zone for simplicity. Because there were no 402 permits within the Reservation and we didn't see any in the near future, this is still the case. If you feel we need the provision then we can talk.

Thanks,  
Candon Tanaka  
Water Quality Specialist  
Shoshone-Bannock Tribes  
Phone: (208) 239-4582  
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**From:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>  
**Sent:** Friday, October 25, 2019 5:04 PM  
**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS

Hi Candon,

Wanted to let you know that I've received comments from HQ and am working my way through them. One of the first ones was about mixing zones – there is no mixing zone provision in the WQS for NPDES permits. I'm sorry, I don't recall whether we discussed that, though I think maybe we did. I

can add some suggested text if you would consider including a mixing zone provision, and you can take a look and make a final decision – just let me know. I’m planning to have comments to you by the end of next week at this point.

Thanks.

Maja

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**From:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Sent:** Thursday, September 26, 2019 8:34 AM

**To:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>

**Cc:** Spence Ward <[sward@sbtribes.com](mailto:sward@sbtribes.com)>

**Subject:** Shoshone-Bannock Tribes WQS

Hello Maja,

I have attached the most recent version of the Tribes’ WQS. This version includes the new footnote in the selenium aquatic life criteria and inclusion cyanotoxins in the recreation criteria. Please let me know as soon as possible on the review or any questions.

Thanks,

Candon Tanaka

Water Quality Specialist

Shoshone-Bannock Tribes

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